

Monday, July 31, 2023

6:30 PM

McFarland Municipal Center
Community Room

AGENDA

You are invited to this meeting through a Zoom webinar. The public may attend in-person or remotely through the webinar or telephone options listed below.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/88228157855>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 882 2815 7855

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Public Safety Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the 6/5/23 meeting.

4. BUSINESS.

- a. Discussion and recommendation to the Village Board on a "Class A" and Class "A" alcohol license for Handyspot 106 LLC; D/B/A Handyspot 106 LLC, located at 4800 Larson Beach Road, with Bayarmaa Wey acting as agent for the period ending June 30, 2024.
- b. Discussion and recommendation to the Village Board on a "Class A" and Class "A" alcohol license for Handyspot 107 LLC; D/B/A Handyspot 107 LLC, located at 4701 Burma Rd, with Tammy Downing acting as agent for the period ending June 30, 2024.
- c. Discussion and recommendation on ordinance amendment 2023-07: an ordinance banning the sale of fireworks in the Village.

5. SCHEDULE NEXT MEETING DATE.

6. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

VILLAGE OF MCFARLAND
Public Safety Committee Minutes

Monday, June 5, 2023 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Village Trustee Edward Wreh called the regular meeting of the Public Safety Committee to order at 6:30 PM in Conference Room A.

Members present: Hilary Brandt, Rich Staley, Shannon Morrison, Edward Wreh

Members not present: Dottie Olson

Staff Present: Fire Chief Dennis, Police Chief Chapin, Deputy Administrator Suettinger

2. PUBLIC APPEARANCES.

- a. *This is an opportunity for members of the public to address the Public Safety Committee for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Committee about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Committee should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Committee for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to public.safety@mcfarland.wi.us to be included as part of the meeting.*

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

There were no public appearances.

3. APPROVAL OF MINUTES.

- a. *Motion to approve the minutes of the 5/1/2023 meeting.*
Motion by Village Trustee Edward Wreh, second by Village Trustee Hilary Brandt, to approve the minutes of the 5/1/2023 meeting. Motion carries 4 - 0 - 0 by acclamation.

4. BUSINESS.

- a. *Discussion and recommendation on a Tourist Rooming House Permit application for Waubesa Performance Property Management LLC, for the property at 6008 Lake Edge Rd for the July 1, 2023 through June 30, 2024 license year.*

Village Trustee Edward Wreh introduced the item.

Kathy Carl of 6014 lake edge Rd. spoke in opposition of the TRH.

Linda Monk of 6010 Lake Edge Rd. spoke in opposition of the TRH.

Mike Barr, 5916 , 5920, 6001, 6005 Lake Edge Road, and 6007 and 6006 South Court, spoke in favor of the TRH.

Deputy Administrator Suettinger gave an overview of the item and explained that the requirements for parking were met. The application was complete, and all items are in compliance.

Linda Monk asked a question about reporting trespassing, and Chief Chapin addressed the question by explaining how police operations would handle a trespassing complaint. Chief Dennis answered the committee's question about fire department access to residences on Lake Edge Road.

Motion to recommend approval of a Tourist Rooming House permit application for Waubesa Performance Property Management LLC, for the property located at 6008 Lake Edge Road for the period of July 1, 2023 through June 30, 2024.

Jennifer Trisna, 6020 South Court., questioned the access to water. Cassandra Suettinger answered the question and explained that the property owner gets to determine water access.

Village Trustee Edward Wreh called the vote. Motion carries 4 - 0 - 0 by acclamation.

b. Discussion and recommendation on Ordinance 2023-05: an Ordinance updating Tourist Rooming House Regulations.

Trustee Wreh introduced the item. Cassandra Suettinger reviewed the three items in the ordinance that the Village Boards wanted the Public Safety Committee to revisit.

The committee discussed the items.

Motion by Village Trustee Edward Wreh, seconded by Village Trustee Brandt to recommend approval to the Village Board on Ordinance 2023-05: an ordinance updating tourist rooming house regulations as presented by staff and deferring the public hearing to the Village Board.

Village Trustee Edward Wreh asked anyone with comments or questions to step up to the podium.

Linda Monk of 6010 Lake Edge Road had a question regarding homeowner responsibility to respond to issues on the property. Trustee Edward Wreh explained the process of having an agent respond on behalf of the owner. Additionally, Chief Chapin spoke on the appropriateness of calling the police and also answered Member Shannon Morrison's question about evidence of violations.

Village Trustee Edward Wreh called a vote. Motion carries 4-0-0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

a. July 3, 2023 or July 6, 2023

The next meeting is July 3, 2023, at 6:30 p.m.

6. ADJOURNMENT.

Motion by Village Trustee Hilary Brandt, second by Member Shannon Morrison, to adjourn at 7:29 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin board in accordance with Open Meetings Law.

Respectfully submitted,
Tricia Reimer
Office Manager

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, July 31, 2023

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Aaron Chapin,
Police Chief

AGENDA ITEM: Discussion and recommendation to the Village Board on a "Class A" and Class "A" alcohol license for Handyspot 106 LLC; D/B/A Handyspot 106 LLC, located at 4800 Larson Beach Road, with Bayarmaa Wey acting as agent for the period ending June 30, 2024.

PREVIOUS ACTION:

ISSUE SUMMARY:

The BP store at 4800 Larson Beach has changed ownership. Handspot 106 LLC is currently operating the BP location at Larson Beach Road through a provisional "Class A" and Class "A" license. This item and application would provide them approval for the full licensing.

FINANCIAL/BUDGET IMPACT:

Permitting revenue

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

[Chapter 11 - Article 11 - II Alcohol Beverages](#)

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

The Police Chief has reviewed the application and backgrounds of the applicant and is recommending approval.

Motion to recommend approval of a "Class A" and Class "A" alcohol license for Handyspot 106 LLC: D/B/A/ Handyspot 106 LLC, located at 4800 Larson Beach Road with Bayarmaa Wey acting as agent for the period ending June 30, 2024.

ATTACHMENTS:

1. Handyspot 106 LLC_Redacted

Form
AT-106

Original Alcohol Beverage License Application

FOR CLERKS ONLY	
Municipality	
License Period	

License(s) Requested

- ☒ Class "A" Beer \$ ☒ "Class A" Liquor \$
- ☒ Class "B" Beer \$ ☐ "Class B" Liquor \$
- ☐ "Class C" Wine \$ ☐ "Class A" Liquor (Cider Only) \$ 0
- ☐ Reserve "Class B" Liquor \$ ☐ "Class B" (Wine Only) Winery \$

License Fees	\$
Publication Fee	\$
Background Check	\$
Total Fees	\$

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)

HANDYSPOT 106 LLC

2. Trade Name or DBA

HANDYSPOT 106 LLC

3. Premises Address

4800 LARSON BEACH RD, MCFARLAND WI 53558

4. County

DANE

5. Municipality

6. Aldermanic District

7. Mailing Address (if different from premises address)

8. [REDACTED] 9. Wisconsin Seller's Permit Number [REDACTED]

10. Premises Phone

608-838-4915

11. Premises Email

[REDACTED]

12. Entity Type (check one)

- ☐ Sole Proprietor ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization

13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. Alcohol beverages may be sold and stored ONLY on the premises described in this application. Attach additional sheets if necessary.

~~Single Room~~ Walk in Cooler, Sales Area and Backroom at 4800 Larson Beach Rd, McFarland WI

Part B: Questions

1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate ☒ Yes ☐ No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No
If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only

1. State of Registration

WISCONSIN

2. Date of Registration

04/28/2023

3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors ☐ Yes ☒ No

Name of Parent Company

FEIN of Parent Company

4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No
If yes, please explain using the space below. Attach additional sheets if necessary.

5. Agent's Last Name

GMOIRA

Agent's First Name

PARMINDER SINGH

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

Last Name	First Name	Title	
SINGH	HARVINDER	PARTNER	
SINGH	KULJIT PAUL	PARTNER	

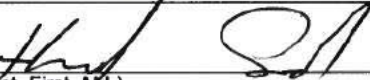
Part E: Attestation

Who must sign this application?

- sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature



Date

06/28/2023

Name (Last, First, M.I.)

SINGH HARVINDER

Title

BUSINESS OWNER

Part F: For Clerk Use Only

Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☐ Village ☐ City of McFarland County of DANE

The undersigned duly authorized officer/member/manager of HANDYSPOT 106 LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as

HANDYSPOT 106 LLC
located at [REDACTED] 4800 LARSON BEACH RD
McFARLAND WI 53551

appoints BAYARMAA WEY
(Name of Appointed Agent)

[REDACTED]
(Signature of Duly Authorized Officer / Member / Manager)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☒ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? [REDACTED]

Place of residence last year [REDACTED]

For: HANDYSPOT 106 LLC
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, BAYARMAA WEY, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

Bayarmaa Wey 06/28/2023
(Signature of Agent) (Date)
[REDACTED] Agent's age [REDACTED]
Date of birth [REDACTED]
(Home Address of Agent)

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 06/29/2023 by [Signature] Title CHIEF OF POLICE
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Monday, July 31, 2023

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Aaron Chapin,
Police Chief

AGENDA ITEM: Discussion and recommendation to the Village Board on a "Class A" and Class "A" alcohol license for Handyspot 107 LLC; D/B/A Handyspot 107 LLC, located at 4701 Burma Rd, with Tammy Downing acting as agent for the period ending June 30, 2024.

PREVIOUS ACTION:

ISSUE SUMMARY:

The BP store at 4701 Burma Road has changed ownership. Handspot 107 LLC is currently operating the BP location at Burma Road through a provisional "Class A" and Class "A" license. This item and application would provide them approval for the full licensing.

FINANCIAL/BUDGET IMPACT:

Permitting Revenue

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

[Chapter 11 - Article 11 - II Alcohol Beverages](#)

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

The Police Chief has reviewed the application and backgrounds of the applicant and is recommending approval.

Motion to recommend approval of a "Class A" and Class "A" alcohol license for Handyspot 107 LLC; D/B/A Handyspot 107 LLC, located at 4701 Burma Rd, with Tammy Downing acting as agent for the period ending June 30, 2024.

ATTACHMENTS:

1. Handyspot 107 LLC_Redacted

Form
AT-106

Original Alcohol Beverage License Application

FOR CLERKS ONLY

Municipality

License Period

License(s) Requested

- ☒ Class "A" Beer \$ ☒ "Class A" Liquor \$
☐ Class "B" Beer \$ ☐ "Class B" Liquor \$
☐ "Class C" Wine \$ ☐ "Class A" Liquor (Cider Only) \$ 0
☐ Reserve "Class B" Liquor \$ ☐ "Class B" (Wine Only) Winery \$

License Fees	\$
Publication Fee	\$
Background Check	\$
Total Fees	\$

Part A: Premises/Business Information

1. Legal Business Name (registered entity name or individual's name if sole proprietorship)

HANDYSPOT 107 LLC

2. Trade Name or DBA

~~HA~~ HANDYSPOT 107 LLC

3. Premises Address

4701 BURMA RD

4. County

DANE

5. Municipality

6. Aldermanic District

7. Mailing Address (if different from premises address)

8. FEIN

[REDACTED]

9. Wisconsin Seller's Permit Number

[REDACTED]

10. Premises Phone

608-838-4322

11. Premises Email

[REDACTED]

12. Entity Type (check one)

- ☐ Sole Proprietor ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Nonprofit Organization

13. Premises Description - Describe the building or buildings where alcohol beverages are to be sold and stored. Describe all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. Alcohol beverages may be sold and stored ONLY on the premises described in this application. Attach additional sheets if necessary.

Walk in cooler, sales area and backroom at
4701 Burma Road, McFarland WI

Part B: Questions

1. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit a copy of Responsible Beverage Server Training Course Certificate ☒ Yes ☐ No
2. Does the applicant business or its partners, officers, directors, managing members, or agent hold a direct or indirect interest in any alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No
If yes, please explain using the space below. Attach additional sheets if necessary.

Part C: For Corporate/LLC Applicants Only

1. State of Registration WISCONSIN		2. Date of Registration 04/28/2023
3. Is the applicant business owned by another corporation or LLC? If yes, please provide the name and FEIN of the parent company below, include parent company members in Part D, and attach Form AT-103 for all of the parent company's principal members, managers, officers, or directors ☐ Yes ☒ No		
Name of Parent Company	FEIN of Parent Company	
4. Does the parent company or any of its officers, directors, managing members, or agent hold any direct or indirect interest in any other alcohol beverage wholesaler or producer (e.g., brewer, brewpub, winery, distillery)? ☐ Yes ☒ No If yes, please explain using the space below. Attach additional sheets if necessary.		
5. Agent's Last Name GHOTRA	Agent's First Name PARMINDER SINGH	Phone [REDACTED]

Part D: Individual Information

A Supplemental Questionnaire, Form AT-103, must be completed and attached to this application for each person involved in the applicant business and any parent company as indicated in Part C. Persons in the applicant business include: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all managing members and agent of a limited liability company.

List the full name, title, and phone number for each person below. Attach additional sheets if necessary.

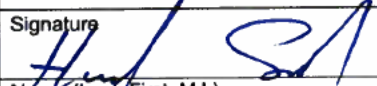
Last Name	First Name	Title	Phone
SINGH	HARVINDER	PARTNER	[REDACTED]
SINGH	KULJIT PAUL	PARTNER	[REDACTED]

Part E: Attestation

Who must sign this application?

- sole proprietor • one general partner of a partnership • one corporate officer • one managing member of an LLC

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including but not limited to, purchasing alcohol beverages from state authorized wholesalers. I understand that lack of access to any portion of a licensed premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wis. Stat. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 	Date 06/28/2023
Name (Last, First, M.I.) SINGH HARVINDER	
Title BUSINESS OWNER	[REDACTED]

Part F: For Clerk Use Only

Date application was filed with clerk	Date reported to governing body	Date provisional license issued (if applicable)
Date license granted	License number	Date license issued
Signature of Clerk/Deputy Clerk		

Schedule for Appointment of Agent by Corporation / Nonprofit Organization or Limited Liability Company

Submit to municipal clerk.

All corporations/organizations or limited liability companies applying for a license to sell fermented malt beverages and/or intoxicating liquor must appoint an agent. The following questions must be answered by the agent. The appointment must be signed by an officer of the corporation/organization or one member/manager of a limited liability company and the recommendation made by the proper local official.

To the governing body of: ☐ Town ☒ Village of McFARLAND County of DANE
☐ City

The undersigned duly authorized officer/member/manager of HANDYSPOT 107 LLC
(Registered Name of Corporation / Organization or Limited Liability Company)

a corporation/organization or limited liability company making application for an alcohol beverage license for a premises known as HANDYSPOT 107 LLC
(Trade Name)

located at 4701 BURMA RD

appoints DOWNING TAMMY L
(Home Address of Appointed Agent)

to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for a beer and/or liquor license for any other location in Wisconsin?

☐ Yes ☒ No If so, indicate the corporate name(s)/limited liability company(ies) and municipality(ies).

Is applicant agent subject to completion of the responsible beverage server training course? ☒ Yes ☐ No

How long immediately prior to making this application has the applicant agent resided continuously in Wisconsin? [REDACTED]

Place of residence last year [REDACTED]

For: HANDYSPOT 107 LLC
(Name of Corporation / Organization / Limited Liability Company)

By: [Signature]
(Signature of Officer / Member / Manager)

Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

ACCEPTANCE BY AGENT

I, DOWNING TAMMY L, hereby accept this appointment as agent for the
(Print / Type Agent's Name)

corporation/organization/limited liability company and assume full responsibility for the conduct of all business relative to alcohol beverages conducted on the premises for the corporation/organization/limited liability company.

[Signature] 06/28/2023 Agent's age [REDACTED]
(Home Address of Agent) Date of birth [REDACTED]

APPROVAL OF AGENT BY MUNICIPAL AUTHORITY (Clerk cannot sign on behalf of Municipal Official)

I hereby certify that I have checked municipal and state criminal records. To the best of my knowledge, with the available information, the character, record and reputation are satisfactory and I have no objection to the agent appointed.

Approved on 06/29/2023 by [Signature] Title CHIEF OF POLICE
(Date) (Signature of Proper Local Official) (Town Chair, Village President, Police Chief)

**VILLAGE OF
McFarland
SUMMARY SHEET**

MEETING DATE: Monday, July 31, 2023

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Deputy Administrator/Clerk, Aaron Chapin, Police Chief, Chris Dennis, Fire/Rescue Chief

AGENDA ITEM: Discussion and recommendation on ordinance amendment 2023-07: an ordinance banning the sale of fireworks in the Village.

PREVIOUS ACTION:

The Village received a request from a Village resident to consider a ban on the sale of fireworks. Based on this request, on July 11th the Village Board referred review of the Village's fireworks ordinance to include a ban on the sale of fireworks to the Public Safety Committee.

ISSUE SUMMARY:

Village Ordinance Chapter 11 - Article VI addresses the regulation of fireworks in the Village of McFarland. The Village's ordinance on fireworks(as does state law), prohibits the use or possession of fireworks in the Village, unless a permit is issued by the Village President or staff representative (designated by the Board). The following entities are eligible to apply for a permit to discharge/use fireworks: (1) public authority, (2) fair association. (3) an amusement park (4) a park board. (5) a civic organization and (6) an agricultural producer for the protection of crops from predatory birds or animals. This is a fairly limited eligibility list. The current ordinance provides restrictions on the possession and use of fireworks. However, if the Village wishes to entertain a ban on the sale of fireworks, it should ban the sale of fireworks in the Village in their entirety. Attached is an ordinance amendment for review that would ban the sale of fireworks.

FINANCIAL/BUDGET IMPACT:

Limited reduction in permitting fees. Currently, only one seller obtains a direct seller's permit annually o sell fireworks in the Village. Revenue reduction estimated at \$20.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

Chapter 11 - Article VI - Fireworks

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion.

Motion to recommend approval of ordinance amendment 202-23-07: an ordinance banning the sale of fireworks in the Village.



ATTACHMENTS:

1. 2023-07 Banning the Sale of Fireworks

**VILLAGE OF MCFARLAND
ORDINANCE 2023-07**

AN ORDINANCE BANNING THE SALE OF FIREWORKS IN THE VILLAGE.

PURPOSE: To ban the sale of fireworks in the Village of McFarland.

SPONSOR: Fire & Rescue Chief Chris Dennis, Police Chief Aaron Chapin and Deputy Administrator/Clerk Cassandra Suettinger.

RECOMMENDED REFERRAL: Public Safety Committee.

PUBLIC HEARING, None Required

WHEREAS, the Village of McFarland recognizes the unauthorized use of fireworks increases the danger of fire, personal harm and generally disturbing the peace;

WHEREAS, many communities have already banned the sale of fireworks;

NOW THEREFORE, be it ordained by the Village Board of the Village of McFarland, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “11-186 Sale” of the Village of McFarland Municipal Code is hereby *amended* as follows:

A M E N D M E N T

11-186 Sale of Fireworks Prohibited

No person may sell, or possess with intent to sell, fireworks within the Village, ~~except: To a person holding a permit under Section 11-189; To a municipality; or For a purpose specified under Section 11-188(a)(1) — (6).~~

(Code 1998, § 7-6-1(b))

State law reference(s)—Similar provision, Wis. Stats. § 167.10(2).

SECTION 2: **AMENDMENT** “11-191 Required Information For Permit” of the Village of McFarland Municipal Code is hereby *amended* as follows:

A M E N D M E N T

11-191 Required Information For Permit

A permit under this Article shall specify all of the following:

- (a) The name and address of the permit holder.
- ~~(b) The date on and after which fireworks may be purchased.~~
- ~~(e) The kind and quantity of fireworks which may be purchased.~~
- ~~(d)~~ (b) The date and location of permitted use.
- ~~(e)~~ (c) Other special conditions prescribed by ordinance.

(Code 1998, § 7-6-1(c)(6))

State law reference(s)—Similar provisions, Wis. Stats. § 167.10(3)(f).

SECTION 3: AMENDMENT “38-27 Sale And Discharge Of Fireworks Restricted” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

38-27 ~~Sale And~~ Discharge Of Fireworks Restricted

No person ~~shall may sell, expose or offer for sale,~~ use, keep, discharge or explode any fireworks ~~except toy pistol paper caps, sparklers and toy snakes within the limits of~~ within the Village unless ~~such person shall be~~ authorized by ~~a fireworks~~ a permit as provided in Chapter 11, Article VH of this Code. The term "fireworks" as used in this Section ~~shall be defined as provided in Wis. Stats. § 167.10(1), and shall be deemed to include all rockets or similar missiles containing explosive fuel~~ is as defined in Section 11-185 of this Code.

(Code 1998, § 11-2-6)

State law reference(s)—Fireworks regulations, Wis. Stats. § 167.10.

SECTION 4: AMENDMENT “11-192 Copy Of Permit” of the Village of McFarland Municipal Code is hereby *amended* as follows:

AMENDMENT

11-192 Copy Of Permit; Revocation of Permit

A copy of a permit under this Article shall be given to the Fire/EMS Chief and Police Department at least two days before the date of authorized use. Any permit issued under this Article may be suspended by the Fire Chief in the event the Fire Chief determines that the use and display of fireworks on the proposed date of use would create an unreasonable risk of fire.

(Code 1998, § 7-6-1(c)(7); Ord. No. 2013-14, § 10, 11-11-2013)

State law reference(s)—Similar provisions, Wis. Stats. § 167.10(3)(g).

PASSED AND ADOPTED BY THE VILLAGE OF MCFARLAND VILLAGE BOARD

	AYE	NAY	ABSENT	ABSTAIN
Brandt	_____	_____	_____	_____
Brassington	_____	_____	_____	_____
Clow	_____	_____	_____	_____
Fessler	_____	_____	_____	_____
Flaherty	_____	_____	_____	_____
Jerke	_____	_____	_____	_____
Wreh	_____	_____	_____	_____

Presiding Officer

Attest

Carolyn Clow, Village President,
Village of McFarland

Cassandra Suettinger, Deputy
Administrator/Clerk, Village of
McFarland